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OFFICIAL

Attorney Docket No. CAP-28502/03

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph Barclay Ross

Serial No.: 09/889,834

Group Art Unit: 3612

Filed: November 28, 2001

Examiner: Stephen T. Gordon

For: CARGO HANDLING APPARATUS

REPLY TO FINAL REJECTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

05/26/2004 EKEY11 03000014 01220 03000014
01 FC:2201
In reply to a final office action dated March 3, 2004, Applicant amends the above-referenced application in the following manner:

Serial No. 09/889,834

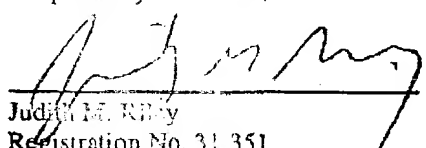
Reply to Office Action of March 3, 2004

flanges of the I-beam shape of element 1. Hence, Robertson teaches a different device from that of the claim 1 invention and cannot possibly anticipate claim 1 nor any claims dependent thereon. Furthermore, there is no teaching or suggestion in Robertson to modify the element 4 such that it would surround the entire I-beam shape of element 1. Accordingly, Robertson also does not render any of claim 1 nor its dependent claims obvious.

Since claim 1 and its dependent claims are neither anticipated by nor obvious over Robertson (or any of the other prior art of record), Applicant submits that they are patentable over the prior art and in condition for immediate allowance. Accordingly, Applicant respectfully requests the examiner to withdraw these rejections and allow these claims.

Should the examiner have any questions or additional suggestions to improve the clarity of the claims, Applicant respectfully requests him to contact the undersigned attorney at the office number below.

Respectfully submitted,


Judith M. Krass

Registration No. 31,351

Gifford, Krass, Gifford, Sprinkle,

Anderson & Chikowski, P.C.

280 N. Old York Road, Suite 400

Birmingham, AL 35209

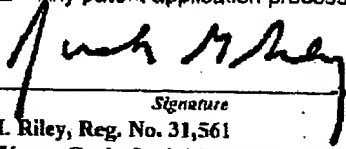
(248) 677-6000

Attorney for Applicant

Dated: 05/04/04

JMR/gs

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AMENDMENT TRANSMITTAL LETTER (Small Entity)				Docket No. CAF-28502/03	
Applicant(s): Ralph Barclay Ross					
Serial No. 09/889,834	Filing Date 11/28/01	Examiner Stephen T. Gordon	Group Art Unit 3612		
Invention: CARGO HANDLING APPARATUS					
<u>T THE C MMISS I N E R F R PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
<input checked="" type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.					
<input type="checkbox"/> A verified statement to establish Small Entity status under 37 CFR 1.27 is enclosed.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	22	29	0	x \$9.00	\$0.00
INDEP. CLAIMS	1	3	0	x \$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
T TAL ADDITI NAL FEE F R THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____					
<input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1180					
<input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.15.					
<input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
Signature  Judith M. Riley, Reg. No. 31,561 Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C. 280 N. Old Woodward Ave., Ste. 400 Birmingham, MI 48009 US			Dated: May 4, 2004		
cc:			I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.		
			Signature of Person Mailing Correspondence		
			Typed or Printed Name of Person Mailing Correspondence		